

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

:

v.

: CRIMINAL NO. 19-518

:

NEIL K. ANAND

:

ASIF KUNDI

:

ATIF MAHMOOD MALIK

:

VIKTORIYA MAKAROVA

:

ORDER

AND NOW, this *19th* day of August, 2020, upon consideration of the government's Motion for Continuance and to Exclude Time Under the Speedy Trial Act, the Court determines as follows.

On March 13, 2020, the Chief Judge of this Court entered a Standing Order providing that, as a result of the emergency presented by the coronavirus disease COVID- 19, all civil and criminal jury trials scheduled to begin between March 13, 2020, and April 13, 2020, before any district or magistrate judge in any courthouse in the Eastern District of Pennsylvania were continued pending further Court order. The Chief Judge described actions of public health authorities to limit the spread of the virus, and further described the impact of COVID-19 on the availability of jurors. On the basis of these findings, the Chief Judge explained in the Order that the suspension of trials is required "to protect public health, reduce the size of public gatherings, and reduce unnecessary travel within this district."

On April 10, 2020, the Chief Judge issued an additional Standing Order extending the suspension of trials through May 31, 2020. On May 29, 2020, the Chief Judge issued an additional Standing Order extending the suspension of trials through August 31, 2020.

In explaining his most recent Order, the Chief Judge described the significant threat that COVID-19 continues to pose, the stay-at-home orders in the area that remain in place, and the continuing guidance from the Centers for Disease Control (CDC) that individuals stay home as much as possible, refrain from gathering in groups, avoid using public transportation, ridesharing, or taxis, refrain from non-essential travel, and maintain at least six feet of physical distance from others outside the home. The Chief Judge explained that these circumstances continue to significantly impact court operations in this district, including the ability to proceed with jury trials.

The Chief Judge stated, in part:

Jury selections in this district frequently involve the summoning of large numbers of prospective jurors, many of whom must travel significant distances and/or use public transportation. The venire pools typically include individuals in the age category identified by the CDC as being at higher risk for severe illness from COVID-19 as well as individuals who are parents and may have childcare issues as a result of closures of schools and other programs. In addition to raising health and safety issues, assembling a venire requires advance notice as summonses are mailed to prospective jurors at least 40 days before trial. It is impractical to summon jurors until conditions are such that jury trials can be safely resumed.

Due to the continuation of the COVID-19 conditions, a subsequent similar order entered on June 30, 2020. In each order, the Chief Judge found that the period of delay in each case shall be excluded under the Speedy Trial Act, as the ends of justice served by granting a continuance outweigh the best interest of the public and each defendant in a speedy trial.

This Court further finds that, because of the severe restrictions on public movement at the present time, a continuance of the trial date in this matter beyond the period normally required under the Speedy Trial Act is required to allow adequate preparation by the parties for pretrial proceedings and for the trial.

For all of these reasons, the ends of justice served by granting a continuance outweigh

the best interest of the public and the defendant in a speedy trial. This Court accordingly ORDERS that the trial in this matter is continued, and further ORDERS, pursuant to 18 U.S.C. § 3161(h)(7)(A), that the period of delay from the entry of this Order until the trial date set here shall be excluded under the Speedy Trial Act. An appropriate scheduling order will follow.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Gene E.K. Pratter", written over a horizontal line.

GENE E.K. PRATTER

United States District Judge